

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

GLORIA GLAZIER,)	
)	
)	1:14-CV-106
v.)	
)	ACTION FOR DAMAGES
STUART FOX,)	
)	
)	

JOINT FINAL PRETRIAL ORDER

The following constitutes the Joint Final Pretrial Order pursuant to Rule 16(e) of the Federal Rules of Civil Procedure. This Joint Final Pretrial Order shall govern the conduct of the trial of this case. Amendments to this order will be allowed only in exceptional circumstances to prevent manifest injustice.

APPEARANCES:

Plaintiff will be represented at trial by:

Michael A. Joseph
Law Office of Michael A. Joseph
Plot No. 45C
Estate Glynn, VI 00821

Vincent A. Colianni
Vincent Colianni II
Colianni & Colianni
1138 King Street
Christiansted, VI 00820

Defendant will be represented at trial by:

Andrew C. Simpson
Andrew C. Simpson, P.C.
2191 Church Street, Suite 5
Christiansted, VI 00820

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1. Nature of Action and Jurisdiction of the Court

This is a personal injury action. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as the parties are of diverse citizenship and the amount in controversy allegedly exceeds \$75,000.

2. Factual Contentions of the Plaintiff

On or about February 2014, Gloria Glazier attended a dinner party at a private residence on St. Croix with her friend Jerry Jones. Stuart Fox and his wife were also guests at the party. The party lasted several hours. As the guests were leaving, Fox suddenly grabbed Gloria Glazier, kissed and bit her on the lips, pushed her left arm back behind her head, grabbed her breast, grabbed her crotch and inserted his fingers in her vagina and rectum. As a result, Gloria suffered a torn labrum and several torn ligaments and tendons in her left shoulder as a result of Fox pushing her left arm back over her head. She later had surgery to repair the labrum and several torn ligaments and tendons. Gloria also suffered permanent nerve damage to her mouth when Fox bit her. Fox's actions caused Gloria extreme emotional distress. She has Post Traumatic Stress Disorder. She suffers from depression and severe anxiety.

3. Factual Contentions of the Defendant

Stuart Fox and his wife attended a dinner party in honor of Al and Marilyn Fenner's 65th wedding anniversary. Plaintiff was also a guest at that party. While at the party, Plaintiff was seen aggressively kissing the guest of honor and performing a "bump and grind" against his crotch. At the end of the night, Plaintiff approached Mr. Fox, aggressively kissed and hugged him in an inappropriate manner, and also did a "bump and grind" against his crotch. Mr. Fox was startled, but reflexively returned the kiss and

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hug. That was the extent of the physical contact between the parties – and it was solely initiated by Plaintiff.

Defendant denies that Plaintiff has suffered any damages as a result of this contact, and indeed, there is no medical evidence to prove that any of Plaintiff's alleged damages were caused by any conduct of Defendant.

4. Admissions and Stipulations

None.

5. Plaintiff's Statement of Damages

Medical Expenses, pain and suffering, disability and loss of enjoyment of life.

6. Amendments to the Pleadings

None.

7. Plaintiffs' Statement of Legal Issues Presented

- a) Whether Stuart Fox battered Gloria Glazier.
- b) Whether Glazier consented to the battery.
- c) Whether Glazier suffered damages as a result of the alleged battery.

8. Defendant's Statement of Legal Issues Presented

- a) Did Plaintiff initiate contact with Defendant?
- b) Did Plaintiff consent to physical contact with Defendant?
- c) Did Defendant's contact with Plaintiff amount to battery?
- d) Did Plaintiff suffer any damages as a result of her physical contact with Defendant?

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9. Legal Issues, Defenses or Claims to be Abandoned by Plaintiffs

Plaintiff has abandoned here claim for intentional infliction of emotional distress and her claim that her weight loss was due to any actions by Fox.

10. Plaintiff's Trial Exhibits

Plaintiff's medical records, receipts and bills
Recording of conversation between Stuart Fox and Jerry Jones
Exhibits listed by Defendant
Photograph of Stuart Fox
Photograph of Bud Woelfel

11. Defendant's Trial Exhibits

See Doc. No. 38. Based upon plaintiff's abandonment of the weight loss claim, Defendant withdraws Defendant Exhibit No.2.

12. Additional Discovery

None

13. Plaintiff's Expert Witnesses

None

14. Defendant's Expert Witnesses

None.

15. Plaintiff's Fact Witnesses

Emily Cooper (by trial deposition)
Jerry Jones
Gloria Glazier
Dr. Linda Jackson, treating physician

16. Defendant's Fact Witnesses

Marie Fox
Francis "Bud" Woelfel
Joan Woelfel
Rusty Miller, by deposition (if not available live)
Linda Miller, by deposition (if not available live)

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Albert Fenner, by deposition

17. Special Problems

Plaintiff has added “disability” as a item of damages in the joint final pretrial order but has offered no medical opinion as to the alleged disability and therefore should be precluded from offering any evidence relating to same.

18. Estimated Length of Trial

Plaintiff estimates that it will take 2-3 days for the trial of this case.

Defendant believes that with jury selection, a minimum of 3 days will be required to try the case and more likely 4 days.

19. Trial Briefs and Requests to Charge

The parties are to file trial briefs and jury charges per the Court’s prior Trial Management Order.

CONCLUDING CERTIFICATION

We certify by the affixing of our signatures to the Joint Final Pretrial Order that it reflects the efforts of all counsel and that we have carefully and completely reviewed all parts of this order prior to its submission to the Court. Further, it is acknowledged that amendments to this Pretrial Order will not be permitted except where the Court determines that manifest injustice would result if the amendment is not allowed.

Attorneys for Plaintiff:

Attorney for Defendant:

/s/Vincent Colianni, II

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Entry of the foregoing Joint Final Pretrial Order is hereby **APPROVED** and **SO ORDERED** this _____ day of January, 2017.

Judge of the District Court